

**Town of Milford  
Zoning Board of Adjustment Minutes  
October 1, 2015  
Case #2015-17  
Bernice Hanvey  
Variance**

Present: Zach Tripp, Chairman  
F. Seagroves  
Joan Dargie  
Kevin Johnson  
Kathy Bauer, Board of Selectmen Representative

Excused: Michael Thornton  
Len Harten, Alternate

Secretary: Peg Ouellette

The applicant, Bernice Hanvey, owner along with Katherine Felton of Map 37, Lot 170, located at 147 Westchester Drive, in the Residence "A" District, is requesting a Variance from Article V, Section 5.02.1:A, to permit a second dwelling unit (existing non-conforming apartment).

### Approved Minutes on October 29, 2015

Zach Tripp, Chairman, opened the meeting by stating that the hearings are held in accordance with the Town of Milford Zoning Ordinance and the applicable New Hampshire Statutes. He continued by informing all of the procedures of the Board and stated that there were one old case, two new cases and other business on the agenda.

Z. Tripp read the notice of hearing into the record.

K. Johnson asked the board to consider tabling the case. Based on his preliminary review of the application, he didn't believe it met requirements for a variance, but did meet requirements for a special exception. He had sent an e-mail to Bill Parker for clarification, and Bill responded to everyone saying the second dwelling apartment is 32 x 27, the gross dimension for 864 SF. 700 SF is the limit. Based on a prior case with 880 SF gross but 632 SF habitable K. Johnson said he did a quick calculation on the property in question, and it is 537 SF habitable.

Z. Tripp questioned how he calculated habitable.

J. Dargie said minus the stairs, the boiler room.

F. Seagroves didn't take out closets and got 588 SF.

K. Johnson wanted to table case to allow ZBA to get further input from Community Development and, if necessary, from the Town Attorney. Bill Parker had quoted a case where, even taking habitable square footage, was outside the ADU.

Z. Tripp said requirement for ADU is it shall not be more than one bedroom; this case has two.

F. Seagroves said that was his question.

The list of abutters was read. Present were: Applicant, Bernice Hanvey and abutter Paul Federico of 146 Westchester Dr.

Bernice Hanvey came forward to present her case. She has lived in the house for seven years with her friend Katie. When she bought it, it had a laundry room on the other side. Previous owners were taking care of parents; she believes that is why there is a bedroom. Since it already had a laundry room on one side, they intended to make another kitchen and replace the dryer with a stove and make one of the bigger rooms look like the living room. She wants to rent it to her friend, a single woman. Ms. Hanvey said she raised two of her grandchildren there and would like to keep them in Milford schools. Nothing will change that is already existing. Apartment has been there for seven years. They are not changing things. There will not be a lot of vehicles or extra children. Neighbors are all fine with it. It is a quiet neighborhood and want to keep it that way. Katie wants to move, and in order to get a mortgage, Ms. Hanvey needs to have the apartment to show that income. Without that, she would have to move.

K. Johnson mentioned the waiver.

Z. Tripp informed the applicant that there were only four board members present, and with a full five-member board she needed three affirmative votes. With four members, she would also need three affirmative votes. She could elect to table the case in hopes of having a full board at the next meeting, or she could proceed this evening and sign a waiver.

Ms. Hanvey decided to wait for the October 15 meeting. She asked to present a letter signed by her neighbors.

Z. Tripp read the letter, dated September 16, 2015 addressed to the Planning Bd. (Z. Tripp said he thought she meant the Zoning Bd.): "I am coming before you October 1 requesting a variance for my property at 147 Westchester Dr., Milford, NH. I have contacted all my neighbors concerning making this property a three-bedroom ranch with an apartment. All of the abutters have said they are fine with the variance I am applying for. Below are the signatures saying they have talked to me in person and are fine with my plans for an apartment. James Young of 145 Westchester Dr., Dale Harlow of 157 Westchester Dr., (unreadable) of 12 Fern Ct., Kevin Federico of 146 Westchester Dr., and Dan Antonowicz of 150 Westchester Dr.

Z. Tripp asked for a motion to table Case #2015-17

J. Dargie made a motion to table.

K. Johnson seconded.

All voted in favor.

Case #2015-17 was tabled to the next scheduled meeting on Oct. 15, 2015.